

Introduced by Senator Strickland

February 19, 2010

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 32 to Article I thereof, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SCA 29, as introduced, Strickland. Health care coverage.

Existing law does not provide a system of health care coverage for all California residents. Existing law does not require employers to provide health care coverage for employees and dependents, other than coverage provided as part of the workers' compensation system for work-related employee injuries, and does not require individuals to maintain health care coverage. Existing law provides for the creation of various programs to provide health care coverage to persons who have limited incomes and meet various eligibility requirements. Existing law provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and for the regulation of health insurers by the Department of Insurance.

This measure would prohibit the effectiveness or enforcement of a state or federal program that (1) requires individuals to obtain health care coverage, (2) requires health care service plans or health insurers to guarantee issue contracts and policies to all applicants, (3) requires employers to either provide health care coverage to their employees or pay a fee or tax to the state or the federal government in lieu thereof, (4) allows an entity created, operated, or subsidized by the government to compete with health care service plans and health insurers in the

private sector, or (5) creates a single-payer health care system, unless the program is approved by the electorate by ballot measure.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

7 First—That Section 32 is added to Article I thereof, to read:

8 SEC. 32. (a) A state or federal statute or program enacted on
9 or after January 1, 2010, that includes any of the following shall
10 not become effective or be enforced in this state unless the statute
11 or program is approved by the voters:

12 (1) Requires individuals to obtain health care coverage.

13 (2) Requires health care service plans or health insurers to
14 guarantee issue health care service plan contracts or health
15 insurance policies to all applicants.

16 (3) Requires employers to either provide health care coverage
17 to their employees or pay a fee or tax to the state or the federal
18 government in lieu of providing that coverage.

19 (4) Allows an entity created, operated, or subsidized by the state
20 or federal government to compete with health care service plans
21 and health insurers in the private sector.

22 (5) Creates a single-payer health care system.

23 (b) The approval of the voters required by subdivision (a) shall
24 be by a separate statute that is submitted to the voters by the
25 Legislature or by initiative statute.

26 (c) This section shall not be construed to affect, impair, or
27 require electorate approval of, either of the following:

28 (1) Laws in effect as of January 1, 2010.

29 (2) Laws governing the workers' compensation system.